

**HIGH COURT OF TRIPURA
AGARTALA**

WP(C) No.560/2023

1. Anima Debnath, D/O. Sri Narayan Debnath, Village & P.O.- Bishalgarh, District-Sepahijala Tripura.

2. Ashim Kumar Das, S/O. Late Amulya Das, West Para, West Para ICDS Center, Laxmipati, South Tripura, Pin-799116.

.....Petitioner(s).

V E R S U S

1. The State of Tripura, (To be represented by the Principal Secretary, Department of Elementary Education and Secondary Education, Government of Tripura), New Secretariat Building, New Secretariat Complex, Kunjaban, P.S.- New Capital Complex, Agartala, West Tripura, PIN-799010.

2. The State Project Director, Tripura, O/o the State Project Director, Samagra Shiksha, Govt. of Tripura, Education (School) Department, Govt. of Tripura, Shiksha Bhavan, 3rd Floor, Office Lane, Agartala, West Tripura.

3. The District Project Coordinator, (District Education Officer, I/C), Sepahijala District, Samagra Shiksha, Govt. of Tripura, Education (School) Department, Govt. of Tripura, Shiksha Bhavan, 3rd Floor, Office Lane, Agartala, West Tripura.

4. The District Project Coordinator, (District Education Officer, I/C), Gomati District, Samagra Shiksha, Govt. of Tripura, Education (School) Department, Govt. of Tripura, Shiksha Bhawan, 3rd Floor, Office lane, Agartala, West Tripura.

.....Respondent(s).

For Petitioner(s) : Mr. P. Roy Barman, Sr. Advocate,
Mr. Samarjit Bhattacharjee, Advocate.

For Respondent(s) : Mr. Karnajit De, Addl. G.A.

HON'BLE THE CHIEF JUSTICE MR. APARESH KUMAR SINGH

Date of hearing and judgment: **06th October, 2023.**

Whether fit for reporting : **YES**

JUDGMENT & ORDER(ORAL)

Heard Mr. Samarjit Bhattacharjee, learned counsel appearing for the petitioners and Mr. Karnajit De, learned Additional Government Advocate appearing for the State respondents.

2. It is the case of the petitioners that under the advertisement dated 22.09.2022 notified for filling up the posts of Urban/Block Resource Person

(subject specific), Urban/Block Resource Person (CWSN) and Cluster Resource Person under Samagra Shiksha in 8(eight) districts, petitioners had applied against the subject of Bengali. However, in the Final Merit List published on 05.06.2023, their names have wrongly been shown against the subject of History. Though they have made a representation (Annexure-19) before the respondents to recast the merit list, but since no action was taken, they have approached this Court. Petitioners have enclosed the advertisement and their educational qualifications as Annexures-1 to 7 respectively. They have completed Master of Arts in Bengali through Distance Education from Tripura University in the year 2018 and also completed B.Ed. Degree course in the year 2020 and 2022 respectively. Being qualified in all respects, they applied under the advertisement dated 22.09.2022. The advertisement permitted candidates to apply for vacancies in all the 8(eight) districts mentioning their degree of choice. Petitioners have enclosed the admit cards for the examinations scheduled on 15.12.2022 and 16.12.2022 respectively in respect of each of the petitioners. The petitioners were allotted roll numbers 101245 and 101708 (Annexures-12 & 13) respectively.

3. Mr. Samarjit Bhattacharjee, learned counsel for the petitioners, has, however, sought to draw the attention of this Court to the acknowledgements issued in favour of the petitioners on successful submission of online applications which show their Candidate IDs as 101662 and 102076. Learned counsel for the petitioners submits that the merit list which has been published does not show the acknowledgement numbers which creates a doubt whether the petitioners' applications have been properly processed. Therefore, he prays that the original application of these petitioners may also be directed to be produced so that this dispute can be resolved.

4. Apart from the above contention, the petitioners have also in the body of the writ petition narrated the dates on which their written examinations were held and pursuant thereto, the results were published on 05.06.2023 vide Notification No.6951-52 (Annexure-17). Petitioners, therefore, contend that they have been deprived of being selected in terms of the advertisement dated 22.09.2022 on the vacant post of Urban/Block Resource Person in the subject of Bengali though there were vacancies available in that subject in Sepahijala and Gomati Districts. Petitioners also made representations which were not heeded to and, therefore, they have approached this Court for relief.

5. A counter affidavit has been filed by the respondents. The relevant answers to the specific contention of the petitioners are contained in paragraph-5(I) to (XI).

6. Mr. Karnajit De, learned Addl. Government Advocate appearing for the respondents-State, has drawn the attention of this Court to the allocation of marks in the selection process, i.e. 50 marks for written examination; 15 marks for viva and maximum 35 marks on minimum academic qualification as mandated for the post (Post Graduation in relevant subject for URP/BRP and Graduation for CRP). It is stated that the written examination for the posts of URP/BRP (subject specific) and URP/BRP (CWSN) was held on 15.12.2022. Interviews for the posts of URP/BRP (subject specific) and URP/BRP (CWSN) were held on 10-12.01.2023 against 3 times of the vacant post of each category. They have furnished a synopsis under paragraph-5(V) as to how many candidates were recommended under URP/BRP (subject specific) and URP/BRP (CWSN). It is further submitted that the merit list has been drawn on the basis of the marks obtained by the individual candidates under written test, interview and academic score. A specific statement has been made at paragraph-5(VII) that both the petitioners had registered (online) for the vacant

posts of Urban/Block Resource Person (History) as is evident from the system generated data (Annexure-R/2). Their names have been reflected against the post of Urban/Block Resource Person (History). As the District Project Coordinators (District Education Officers) are the appointing authorities for the posts of URP/BRP (subject specific) and URP/BRP (CWSN) and CRP, the final level of document verifications of candidates listed in the Notification dated 05.06.2023 were done in two counselling sessions on 24th & 25th July, 2023 (first counselling session) and 28th & 31st July, 2023 (second counselling session). The petitioners have attended the said counselling sessions and have been rejected as they do not possess certificates/mark-sheets pertaining to Post Graduation in History which is mandatory for the posts of URP/BRP (History) as per the advertisement dated 22.09.2022. Their representations dated 02.08.2023 and 28.07.2023 respectively have been regretted vide office letters dated 28.08.2023 as they had registered for the post of URP/BRP (History). Respondents also deny the statements made at paragraph-6 that Annexures-10 and 11 to the writ petition which are acknowledgement message/slip generated on successful submission of application mention the respective ID numbers of the candidates and submit that they don't have reflection of any subject. Annexures-12 and 13 are admit cards where there is no mention of their choice of subject. Learned counsel for the respondents-State submits that the results (Annexure-R/2) shows the roll numbers and names of both the candidates, i.e. 101245 and 101708 as are also reflected from the admit cards at Annexure-12 and 13 respectively in their individual cases. It shows that they had applied for the subject of History. Learned counsel for the respondents-State, therefore, submits that petitioners under an erroneous impression that they had applied for the subject of Bengali have been agitating their grievance though on facts, no such case is made out.

7. I have considered the submissions of learned counsel for the parties, taken note of the chronology of facts, dates and events and the relevant documents as are necessary for adjudication of this issue.

8. The only dispute is whether the petitioners applied for the subject of Bengali being Post Graduate in the subject of Bengali under the advertisement dated 22.09.2022 and have been wrongly rejected in the final merit list dated 05.06.2023 as being shown against the subject of History. Petitioners rely upon acknowledgements at Annexures-10 and 11 which refer to the Candidate ID on successful submission of their online applications whereas petitioners have themselves enclosed Annexures-12 and 13 which are the admit cards which show their roll numbers as 101245 and 101708. The respondents have categorically stated that the petitioners had applied for the subject History and not Bengali. The merit list also annexed by the writ petitioners shows the same roll number against the subject of History. The acknowledgements at Annexures-10 and 11 are not the enrollment number or roll number. The results of these two petitioners and others have been tabulated against the roll numbers allotted to them which in the case of the petitioners show that they had applied for the subject of History.

9. As such, the entire edifice of the case of the petitioners appears to be based upon misconception. If the foundation goes, the entire superstructure has to go. Therefore, petitioners do not appear to make out a case for interference in the matter. Writ petition is accordingly dismissed.

Pending application(s), if any, also stands disposed of.

(APARESH KUMAR SINGH), CJ

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